

From: [Foster, Althea](#)
To: [Flemming, Tongee](#)
Cc: [Mason, Steve](#); [LaBombard, Will](#)
Subject: RE: ESS T.O.
Date: Wednesday, September 13, 2017 5:41:41 PM

Tongee,

Don't know if I was included in the initial emails where this was discussed so I had a little trouble with context. I spoke with Will and got some additional information, after which we both consulted with Steve Mason. Based on that discussion I am sharing the following:

From FEMA Mission Assignment Guidance, 2015, page 177:

Reimbursement Criteria:

To be eligible for reimbursement, costs must be:

- **Necessary and reasonable to accomplish mission**
- Authorized
- Not funded by another source
- Incurred in accordance with policy, regulations, and procedures
- Adequately documented/supported

Table 5 shows those expenditures that are non-reimbursable.

Litigation: Litigation expenses (i.e., settlements/judgments) are not reimbursed through MAs. Legal expenses may only be reimbursed from the DRF via an IAA. Expenses must be forwarded to the OCC for approval. If OCC approves the payment, it will coordinate with the FEMA Region to set up an IAA and notify the FFC that invoices will be submitted

Historically, FEMA Region 6 has consistently stated that an ESF may not use MA funds to pay for FOIA or litigation costs.

From: Fleming, Tongee
Sent: Wednesday, September 13, 2017 11:48 AM
To: Foster, Althea
Subject: FW: ESS T.O.

Pam asked for status this morning, and I'm reaching out to you before I respond. (See below).

I want to hear from you before I respond ☺

[Tongee Fleming, Chief](#)
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From: LaBombard, Will
Sent: Wednesday, September 13, 2017 11:46 AM
To: Fleming, Tongee <flemming.tongee@epa.gov>
Subject: RE: ESS T.O.

No, last I heard anything about this was on Friday. Per that email, "Derek/Althea are already handling things." So, I still need three things:

1. Confirmation that using the ESS contract is covered by the MA
2. Funding from the MA
3. An IGCE from Derek

The CO is on standby to award the TO, I have an approved COR Nomination form to add Dwayne

Patrick as the primary TOCOR, and the SOW was already established by Derek in an earlier email.
Will LaBombard
214-665-7199

From: Flemming, Tongee

Sent: Wednesday, September 13, 2017 11:04 AM

To: LaBombard, Will <LaBombard.Will@epa.gov>

Subject: ESS T.O.

Did we get the TO awarded?

Sent from my iPhone